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MEMORANDUM FOR MR. HENRY A. KISSINGER
THE WHITE HOUSESubject: Further Studies for WSAG: Steps to
Inhibit NVA Military Buildup in South
Viet-Nam

In accordance with the agreement reached at the WSAG meeting on March 6 and your subsequent memorandum, a special Ad Hoc Group with representatives from the Department of Defense, the CIA, the JCS, the NSC and the Department of State has considered the question of military and diplomatic/political moves to inhibit North Vietnamese infiltration of military supplies and personnel into South Viet-Nam and to otherwise inhibit development of North Vietnamese capability to launch new large-scale military operations in South Viet-Nam.

The group gave careful consideration to the effects of any such moves on the release of the remaining American POWs. It concluded that an overt military move (such as bombing the Trail complex) which might trigger a Hanoi hold on the prisoners, would not significantly affect the North Vietnamese military potential in the remaining three weeks before March 28, and therefore need not be seriously considered for execution in this time frame, but rather for somewhat later on as suggested below.

the delivery of ^(communist) equipment or personnel to South Vietnam, in the twenty days between now and 28 March would not have enough overall impact on the balance of forces within South Vietnam to warrant the risk of separating prisoners from their families. ^{likely to be completely}

Also the group agreed that in planning our counteractions we should bear in mind that we cannot be sure of Hanoi's motivations and intentions in pursuing its current infiltration effort. It is possible this effort is designed to replenish NVA forces by taking advantage of the remaining four weeks or so of ^{predictable} dry weather and the restraints which Hanoi may believe we will impose on our own actions pending the end of the X 60-day on March 27, and that after this period infiltration will taper off markedly. The group noted that the DRV probably still wants to keep its options entirely open -- on the one hand preparing for resumption of large-scale attacks in South Viet-Nam (and possibly also in Laos and Cambodia) and on the other waiting to see whether political competition in a cease-fire situation in South Viet-Nam and other aspects of peace offer longer-range opportunities for advancing overall DRV interests. In this paper, the group addresses primarily the first option but notes the importance of continued actions designed to enhance the prospects for a viable cease-fire and also the attractiveness of the peaceful-competition option.

An exchange of views in the group led to the recommendation of the following course of action:

1. A strong representation to the DRV stating in essence that: (a) the current build-up of the NVA in South Viet-Nam is a blatant and intolerable violation of the Paris Agreement;

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(b) if it is not immediately brought to a halt it will jeopardize the entire cease-fire structure and preclude the development of cooperative relations between the United States and North Viet-Nam; and (c) the United States reserves the right to take such action as it may deem necessary in the light of any continued violation by North Viet-Nam of the Paris Agreement.

This step should be taken as soon as possible through whatever channel is deemed most effective. Meanwhile, we should refuse to move forward on, or even discuss, the Joint Economic Commission or other subjects of interest to the DRV.

We perceived no serious drawback to recording our objections in this manner to the DRV. Hanoi should be made to know that we will not condone its violations and that we strongly oppose the intention such violations point to, namely resumption of the war. Of course, our registering a strong objection implicitly commits us to doing something about it if Hanoi does not desist; however, it presumably is our purpose to convince Hanoi that we mean business.

2. Corresponding representations to the USSR and the PRC stressing that neither we nor they can possibly be expected to accept such a massive sabotage of the Paris Agreement to which all of us have now formally pledged our support.

We invoke their immediate intercession with Hanoi because of their participation in the Act of the International Conference on Viet-Nam and because of their vital support to Hanoi. Furthermore,

~~we invoke each separate representation -- the one to the USSR and the one to the PRC -- should~~ SECRET ~~make the point that it is in our respective mutual interests that continued efforts in Indochina to prejudice our bilateral dealings on other matters. We will endeavor to use our influence to induce Hanoi to comply with all of the Paris Agreement's provisions.~~

The United States did not negotiate the Paris Agreement or participate in the International Conference to see both blatantly mocked by the North Vietnamese. The sooner Hanoi again understands our determination on this score, the better. Moreover, the United States and the USSR (or the PRC) cannot afford to see the world-wide hopes for peace flaunted in this manner. A breakdown of the painfully negotiated structure of peace in Indochina could have the most serious consequences.

Such representations could place some further stress on our relations with the USSR and the PRC as well as implying the same commitment to a followup as the demarche to the DRV. These risks appear acceptable.

The representations should be made simultaneously with, or as soon as possible after, those to the North Vietnamese.

(Note that an initial move in the diplomatic field has been made with a demarche to the Polish Ambassador on this subject on March 7. A similar representation will be made to the Hungarians on March 9.)

3. Preparation of contingency plans for military action in the event Hanoi refuses to heed our warning. Plans should cover: (a) suspension of Operation End Sweep; (b) reseeding of mines; (c) bombing of depots on Ho Chi Minh Trail in Laos (which would require prior consultation with the RLG); (d) bombing of major mountain passes from North Viet-Nam into Laos; (e) bombing of other LOCs in North Viet-Nam.

As noted earlier we do not see that sufficient advantage

-- in terms of North Viet-Nam's war potential in South Viet-Nam -- would result from undertaking such military actions now to risk giving the North Vietnamese a pretext to hold up Phase III of the POW release. Moreover, it would mean using up some of our options that might be much more valuable to us as a reaction in the event the North Vietnamese should stall on the POW issue for some other reason.

However, the plans should be completed promptly and kept up to date as the situation unfolds for possible use on short notice in the event of further provocation from Hanoi. If Hanoi fails to cut down the infiltration and other violations by X plus 60, the military contingency plans should be considered for immediate implementation.

Heavy air strikes in Cambodia against NVN supplies could be undertaken more freely and with fewer international risks than in other areas. However, appropriate targets have been very few, and a specila effort should now be made to locate such targets.

4. Preparation of a carefully documented record of the DRV violations and buildup for possible public use. We suggest such a document also be prepared promptly and kept up to date for use on short notice should, for example, leaks occur in a manner unfavorable to our objectives, or should we wish to reinforce our representations to Hanoi by making them public.

Postscripting this record at a time of our choosing

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We would expect reactions on the Hill to such revelations to be diverse, but with the distinct possibility of precipitating moves to tie the President's hands, e.g. to prohibit aid to North Viet-Nam, or conversely to inhibit any resort to military actions, the net effect of which on Hanoi could be adverse to our interests. Therefore, we do not recommend this step be taken at the present time, but that it be held in reserve.

5. Additional diplomatic moves. Depending on the responses we get from our initial approaches to the communist governments, we may wish to consult interested allies, such as the TCC governments, selected members of NATO, Japan, and Indonesia, etc. Our purpose would be to acquaint them with the seriousness of the situation, bespeak use of their influence in Hanoi, Peking, and Moscow and where appropriate delay any planned recognition of the DRV.

We believe the foregoing steps represent a feasible course of action for the time being and recommend they be kept under close observation for any adjustments that may be desirable in the light of changing circumstances.

The group also considered several other optional steps with the following conclusions:

1. Suspension of U.S. troop withdrawals. We believe it would be better to reserve this option for any indication of stalling in Phase III POW releases.

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2. Use of guerrilla forces by the GVN to interdict infiltration routes in South Viet-Nam. It appeared highly doubtful in the light of past experience that such guerrilla forces could be organized and brought to bear in time to be of use in the present situation. But it remains a worthwhile objective for the longer term and might be considered in the context of a desirable force structure for the RVN.

3. Reconvene the International Conference on Viet-Nam. We prefer for the time being to proceed without the fanfare that would be involved in calling for the reconvening of the Conference. However, this remains an option for further consideration.

4. Resort to the Security Council or the UN Secretary General. It seems highly unlikely that invoking the UN would be useful.

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